

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ADAM ASHLEY and ALISON ASHLEY,
Plaintiffs,

v.

LIBERTY MUTUAL INSURANCE
COMPANY a/k/a LIBERTY MUTUAL
PERSONAL INSURANCE COMPANY
and JR RAMON LLC,
Defendants.

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Civil Action No. SA-23-CA-00531-XR

**DEFENDANT LIBERTY MUTUAL PERSONAL INSURANCE COMPANY'S
DESIGNATION OF EXPERT WITNESSES**

Pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, Defendant Liberty Mutual Personal Insurance Company ("Liberty"), serves its designation of persons who may be called to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence at trial of this case. Liberty reserves the right to supplement the information herein pursuant to Rule 26(e). The facts known to each expert include relevant documents produced during discovery in this matter, and other facts or data reasonably relied on by experts in the particular field.

**I.
RETAINED EXPERT**

- Todd Burchett**
FORVIS
PO Box 200870
Dallas, Texas 75320
(417) 8865-8701

Mr. Burchett is expected to testify concerning residential building cost inflation with regard to the Inflation Protection Endorsement of Plaintiffs' Policy, based on Mr. Burchett's review of the Policy and related documents. He is also expected to provide opinion testimony with

respect to the calculation residential building cost inflation between the effective date of the insurance policy and the date of loss. Mr. Burchett is further expected to testify to the findings and opinions, as well as the bases for those findings and opinions, as contained in his report, attached as Exhibit A, and any supplemental reports which may be forthcoming as information is developed. In particular, Mr. Burchett will review additional trade secret material upon entry of a Protective Order. Mr. Burchett reserves the right to supplement and amend his finding, opinions and report as discovery develops and additional information is exchanged including material produced once an appropriate Protective Order is entered. Mr. Burchett is also expected to testify in rebuttal to all matters raised by Plaintiffs' experts. As indicated in his report, Mr. Burchett is expected to testify that Plaintiffs' calculation of damages is overstated due to, but not limited to, the utilization of an inappropriate effective date, PPI data showing an inflation percentage less than Liberty's inflation calculation, and Plaintiff's lack of consideration of other relevant PPI data.

Mr. Burchett's report containing the general substance of his mental impressions and opinions, together with his resume, rates, testimony history and other attachments related to his report are being produced as **Exhibit A** (Bates-numbered FORVIS 0001-0016). Liberty also refers Plaintiffs to any deposition testimony that Mr. Burchett may provide.

Mr. Burchett's impressions and opinions are based on his education, training, experience and background, as well as Mr. Burchett's review of documentation from the Liberty claim file(s) and Plaintiffs' document production, including but not limited to, Plaintiffs' expert designation and report prepared by economist Carl M. Hubbard, Ph.D.. Mr. Burchett's impressions and opinions are subject to change upon receipt of any new relevant information.

Mr. Burchett will also review all the depositions taken in this litigation, and will provide opinions on the testimony given. To the extent, further relevant documents are produced before or during trial, Mr. Burchett will review those documents as well and provide further opinions as necessary. Mr. Burchett will testify regarding the opinions and reports provided by Plaintiffs' designated testifying experts. Mr. Burchett's deposition testimony, if any, will be fully incorporated herein. Mr. Burchett is available for deposition to discuss his opinions.

All documents, tangible things, reports, models, and/or data compilations that have been provided to, reviewed by, or prepared by or for Mr. Burchett in anticipation of his testimony in this case have been or will be produced by the parties in this lawsuit. Furthermore, these materials will be made available for inspection and copying at the offices of Lindow Stephens Schultz LLP at a mutually agreeable date and time and a description of such documents is included in his report. As discovery is ongoing in this matter, Liberty reserves the right to supplement this designation and the reports of Liberty's experts.

2. **Robert E. Valdez**
VALDEZ & TREVINO, P.C.
8023 Vantage Drive, #700
San Antonio, Texas 78230
(210) 598-8686

Mr. Valdez is an attorney licensed in the State of Texas, who will base his testimony and opinions on his background, education, knowledge, skills, training and experience. Mr. Valdez may provide testimony and opinions regarding whether Plaintiff's attorneys' fees sought in this case are reasonable and necessary. Specifically, Mr. Valdez may provide testimony regarding the tasks performed and the amount of reasonable and necessary services rendered by counsel for Plaintiff after considering all factors, including the factors for determining the reasonableness of fees. Mr. Valdez may also testify regarding the Defendant's reasonable and necessary attorney's fees associated with their prosecution of claims against Plaintiff. Mr. Valdez's curriculum vitae, bibliography and testifying experience are attached as **Exhibit B** (Bates-numbered VALDEZ 0001-0010).

II.

Liberty hereby cross-designates and states it may call any expert identified or designated by any and all other (including adverse) parties or any employee or representative of any and all other (including adverse) parties to elicit expert opinions subject to any objections Liberty may make concerning the designation of those experts. Liberty reserves the right to supplement this designation as discovery continues. Liberty reserves the right, however, to challenge each such expert's qualifications and/or the reliability and relevance of said expert's opinions.

Liberty reserves the right to call rebuttal expert witnesses. Liberty cannot anticipate the need for rebuttal expert witness testimony at this time. Moreover, because of the subject matter concerning which testimony may require rebuttal testimony, Liberty's rebuttal expert witness(es) cannot be anticipated nor can Liberty provide more detail regarding their testimony at this time.

Liberty reserves the right to amend, supplement, add, or delete individuals or entities from its list of possible testifying experts in response to any designation or identification of any witnesses by Plaintiffs or to bring experts to testify without designation in rebuttal of any testimony that cannot presently be foreseen.

Respectfully submitted,

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COUNSEL FOR DEFENDANT LIBERTY
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to all counsel of record on this 22nd day of December, 2023, in accordance with the Federal Rules of Civil Procedure, as follows:

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David R. Stephens / Benjamin C. Nichols